



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 05 2012

REPLY TO THE ATTENTION OF:

VIA CERTIFIED MAIL

Doug Harris  
General Manager  
Veolia Environmental Services  
#7 Mobile Avenue  
Sauget, Illinois 62201

Re: Comprehensive Performance Test Date under the National Emissions Standards  
for Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE

Dear Mr. Harris:

I am responding to your letter dated June 14, 2012, in which Veolia Environmental Services (Veolia) disagrees with certain assertions made by the U.S. Environmental Protection Agency (EPA) in a letter dated May 25, 2012 regarding the date by which Veolia must submit to EPA a plan for the company's next comprehensive performance test (CPT), and the date by which Veolia must thereafter perform the test. The plan and the CPT are required under the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE (HWC MACT). EPA informed Veolia that its CPT plan was due to the Agency by August 2012, and that the CPT must be commenced by August 2013.

Veolia's understanding appears to be that the HWC MACT requires Veolia to submit the plan for the next CPT by December 2013 and to conduct the next CPT by December 2014. Veolia's reasoning is based on the fact that the company expedited metals testing at the request of EPA in August 2008 and conducted a CPT in December 2009. Veolia appears to reason that the HWC MACT requires another CPT within 61 months after the previous CPT, which would be December 2014, i.e. 61 months after the 2009 test. Veolia acknowledges, however, that it used the August 2008 metals test data in lieu of an actual metals stack test during its CPT in December 2009.

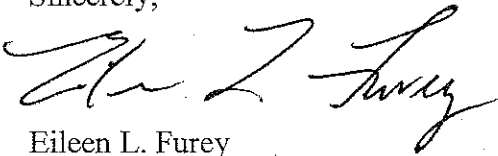
Veolia's interpretation of the HWC MACT is mistaken. As a general matter, the HWC MACT does require commencement of the next performance testing within 61 months after the date of commencing the previous CPT. 40 C.F.R. § 63.1207(d)(1). However, the sentence following that requirement clarifies that "if a source submits data in lieu of the initial performance test, then it must commence the subsequent CPT *within 61 months of commencing the test used to provide the data in lieu of the initial performance test.*" *Id.* (emphasis added). This provision is directly applicable to the situation at Veolia.



Since Veolia used metals data from the August 2008 test in lieu of the initial performance test, it must commence the next CPT within 61 months of the commencement of the August 2008 test. Therefore, Veolia must commence the next CPT by August 2013. The HWC MACT further requires sources to submit to EPA a notification of intent to conduct a CPT and a site-specific test plan for the CPT at least one year before the performance test. 40 C.F.R. § 63.1207(e)(1)(i). Therefore, Veolia must submit to EPA its notification of intent and a site-specific test plan for the next CPT by August 2012. In its August 2012 CPT plan submittal, EPA requests that Veolia include a protocol for testing all required parameters concurrently in order to demonstrate compliance with the emission standards provided by the HWC MACT as required by 40 C.F.R. § 63.1207(b)(1).

If you have any questions regarding this letter, please contact Ms. Sarah Marshall or Shannon Downey at (312) 886-6797 or (312) 353-2151, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Eileen L. Furey". The signature is fluid and cursive, with the first name "Eileen" being more prominent.

Eileen L. Furey  
Acting Chief  
Air Enforcement and Compliance Assurance Branch

cc: Ray Pilapil, Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency



standard bcc's: official file copy w/ attachment(s)  
Originating Organization Reading File w/attachments

other bcc's: Sabrina Argentieri, C-14J  
Sarah Marshall, AE-17J  
Shannon Downey, AE-17J

Creation Date:	July 5, 2012
Filename:	
Legend:	ARD:AECAB:AECAS(SECTION):



CERTIFICATE OF MAILING

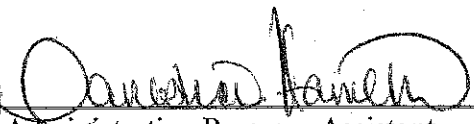
I, Daneshia Hamilton certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Doug Harris  
General Manager  
Veolia Environmental Services  
#7 Mobile Avenue  
Sauget, Illinois 62201

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Ray Pilapil, Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

on the 5<sup>th</sup> day of July 2012.

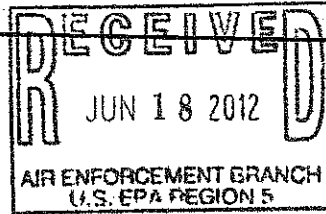
  
Administrative Program Assistant  
Planning and Administrative Section

Certified Mail Receipt Number: 7009 1680 0000 7669 7002





June 14, 2012



Ms. Eileen L. Furey  
Acting Chief  
Air Enforcement and Compliance Assurance Branch  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

RE: Veolia ES Technical Solutions, L.L.C.  
Sauget, IL  
Comprehensive Performance Testing

Dear Ms. Furey,

Veolia ES Technical Solutions, L.L.C., Sauget, IL, appreciates the Agency's prompt approval of the Confirmatory Performance Test Plans for Incinerators 2, 3 and 4. The testing is on-schedule to start the week of June 18 and this would not have been possible without the Agency working with Veolia to get these Plans approved.

With regards to the next rounds of Comprehensive Performance Testing (CPT), Veolia is confused by the last paragraph of the approval letter, where you state that Veolia commenced it's CPT in August 2008. Veolia did test for the Incinerator MACT metals in August 2008, but this testing was completed at the request of the Agency to obtain more metals data as part of the Title V permitting process and not part of the CPT. In fact, the Plan that was submitted in May, 2008 for this requested testing was defined as a Metals Performance Test, unlike the Plan submitted in October, 2008 that was titled the Comprehensive Performance Test Plan.

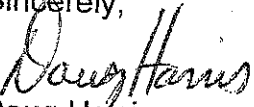
At the request of the Director, Air and Radiation Division, US Environmental Protection Agency, Region 5, Veolia was asked to expedite metals testing. Veolia agreed to this request only if the results could be used as data-in-lieu for the December, 2009 Comprehensive Performance Test. The Director agreed and as a result, Veolia performed metal performance testing on all three incinerators in August, 2008. In December, 2009, Veolia conducted a Comprehensive Performance Test on all three incinerators but instead of testing for metals used data-in-lieu from the 2008 testing to document compliance.

Ms. Furey  
6/14/2012  
Page 2

Consequently, Veolia believes that the Comprehensive Performance testing is due in December, 2014, with a Comprehensive Performance Test Plan required in December, 2013.

Veolia appreciates your consideration on this matter and is willing to meet anytime to discuss and as we always have, come to a mutually agreed upon resolution. You can contact me or Dennis Warchol, at 618-271-2804, if you have any questions or would like to discuss further.

Sincerely,

  
Doug Harris  
General Manager

# AIR AND RADIATION DIVISION CONCURRENCE SHEET

SUBJECT: Response to Veolia on CPT testing

THIS DOCUMENT CONTAINS CONFIDENTIAL BUSINESS INFORMATION YES NO

CONTROL NUMBER (if applicable): \_\_\_\_\_

	Name	Initials	Date
Typist	( _____ )	_____	_____
Originator	( <u>S. Marshall</u> )	<u>sm</u>	<u>6/26/12</u>
Reviewer	( <u>2. T. [unclear]</u> )	<u>[unclear]</u>	<u>6/27/12</u>
Reviewer	( _____ )	_____	_____
Section Chief	( <u>N. Frantz</u> )	<u>[unclear]</u>	<u>6/27/12</u>
PAS Administrative Staff	( <u>L. Shaltz</u> )	<u>[unclear]</u>	<u>6/28/12</u>
Acting, Branch Chief	( <u>E. Furey</u> )	<u>EFF</u>	<u>7/5/12</u>
Division APA	( <u>K. Hoffman</u> )	_____	_____
Deputy Director	( <u>B. Sypniewski</u> )	_____	_____
Acting, Division Director	( <u>G. Czerniak</u> )	_____	_____

If CONCURRENT SIGNOFF IS NECESSARY, PLEASE INDICATE NAME OF APPROPRIATE DIVISION(S)

## NAME OF DIVISION

	ORC		
Assigned Staff Person	( <u>S. Argentieri</u> )	<u>via email</u>	<u>6/26/12</u>
Division Director	( _____ )	_____	_____
Other	( _____ )	_____	_____

## NAME OF DIVISION

Assigned Staff Person	( _____ )	_____	_____
Division Director	( _____ )	_____	_____
Other	( _____ )	_____	_____

## OFFICE OF THE REGIONAL ADMINISTRATOR

Regional Administrator	( <u>S. Hedman</u> )	_____	_____
Deputy Regional Administrator	( <u>B. Mathur</u> )	_____	_____
Other	( _____ )	_____	_____

The originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. For more information, see the plain language checklist on the reverse side of this sheet.

COMMENTS: Doc is on share drive

RETURN TO: \_\_\_\_\_